

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AARON T. JONES,)	
Plaintiff)	
)	
vs.)	Civil Action No. 08-16
)	Judge Terrence F. McVerry/
MELVIN LOCKETT, Superintendent;)	Magistrate Judge Amy Reynolds Hay
FRANCIS ROYER, Deputy)	
Superintendent; PAUL THOMAS, School)	
Principal; DAWN DAVIS, Librarian;)	
PATRICIA COLLINS, Librarian Assistant;)	
JAMES INGELBETCH, Correctional)	
Officer; JAMES SCEKERES, Deputy)	
Superintendent at S.C.I. Greensburg;)	
TREVOR WINGARD, Deputy)	
Superintendent at S.C.I. Greensburg; LORI)	
KWISNEK, Health Care Administrator;)	
ROBERT BUSSARD, Intelligence Captain)	
at S.C.I. Greensburg; TONI COLLAND,)	
Superintendent Assistant/Grievance)	
Coordinator/Public Relations Officer;)	
KENNETH NIEDIGH, Educational)	
Instructor at S.C.I. Greensburg; CHARLES)	
WALTERS, Academic Counselor at S.C.I.)	
Greensburg; JEFFREY A. BEARD,)	
Secretary of the States of Pennsylvania)	
Department of Corrections,)	
Defendants)	

ORDER

AND NOW, this 23rd day of July , 2009, after the plaintiff, Aaron T. Jones, filed an action in the above-captioned case, and after a Motion to Dismiss was filed by defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until June 25, 2009, to file written objections thereto, and upon consideration of the objections filed by plaintiff , which lack merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss (Doc. 66) is granted in part and denied in part. It is GRANTED as to all claims against all Defendants except it is DENIED as to the following claims against the following defendants: (1) Equal Protection claim against Defendants

library aide; (2) First Amendment claims of content based censorship against Defendants Collins and Davis for their alleged role in disbanding/discarding African American interest section of the library; (3) First Amendment retaliation claim against Defendant Walters where Walters fired Plaintiff from his peer to peer tutoring position; (4) Equal Protection claim against Walters based upon the same firing; and (5) Eighth Amendment deliberate indifference claim against Defendant Kwisnek as to denial of medication while in the RHU. Consequently, Defendants Lockett, Royer, Scekere, Wingard, Bussard, Colland, Niedigh, Beard and Watson¹ are hereby DISMISSED as party defendants. Accordingly the caption will be amended to henceforth read as follows:

AARON T. JONES,
Plaintiff

vs

PAUL THOMAS, School Principal; DAWN
DAVIS, Librarian; PATRICIA COLLINS, Librarian
Assistant; JAMES INGLEBETCH, Correctional
Officer; LORI KWISNEK, Health Care Administrator
and CHARLES WALTERS, Academic Counselor
at S.C.I. Greensburg
Defendants.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Aaron T. Jones
GN-0629
S.C.I. Fayette
Box 9999
LaBelle, PA 15450-0999

¹ See Dkt. [67] at 4, n.1 (the Defendants noted that Ms. Watson was not served with process but conceded solely for purposes of disposing of the instant motion to dismiss that Ms. Watson will be treated as if she were a named and served defendant).